

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JERRY REESE

Case No. 3:03-294

Petitioner

v.

WARDEN TERRY A. TIBBALS,

Respondent

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. #37) ADOPTING REPORT
AND RECOMMENDATIONS (DOC. #33) DENYING PETITIONER'S AMENDED
PETITION ON THE MERITS AND DENIAL OF CERTIFICATE OF APPEALABILITY
AND PERMISSION TO APPEAL IN FORMA PAUPERIS; TERMINATION ENTRY**

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio, Western Division to United States Chief Magistrate Judge, Michael R. Merz, reviewed the pleadings and filed with the Court on December 8, 2004 a Report and Recommendation (Doc. #33). Subsequently, the Petitioner filed Objections (Doc. #37) to the Magistrate's Report and Recommendations.

This Court has carefully reviewed the comprehensive findings of the Magistrate Judge contained in the Report and Recommendations and considered de novo all the filings in this matter. Upon consideration of all the foregoing, the Court does not find the Objections (Doc. #37) well-founded and determines the Magistrate Judge's Report and Recommendations (Doc. #33) should be adopted.

It is so ORDERED, ADJUDGED and DECREED that the Petitioner's Objections are OVERRULED and the Report and Recommendations are ADOPTED in full DENYING Petitioner's Amended Petition on the Merits. Further, the conclusions contained in the Report and Recommendations and adopted by the Court are not debatable among reasonable jurists and

Defendant is denied any requested certificate of appealability and permission to appeal in forma pauperis.

This matter is ORDERED terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

June 7, 2005

s/**THOMAS M. ROSE**

Judge Thomas M. Rose